APPENDIX A

Constitutional Provisions and Statutes Involved

First Amendment, United States Constitution:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

Fourteenth Amendment, United States Constitution:

1. All persons born or naturalized in the United States and subject to the juridiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Section 26286.5, California Health and Safety Code:

Advertisement of drug or device represented to have any effect on certain diseases. The advertisement of a drug or device represented to have any effect in any of the following diseases is unlawful and prohibited: Albuminuria, appendicitis, arteriosclerosis, blood poison, bone disease, Bright's disease, cancer, carbuncles, cholecystitis, diabetes, cataracts, diphtheria, dropsy,

erysipelas, gallstones, heart and vascular diseases, high blood pressure, mastoiditis, measles, meningitis, dental caries, mumps, nephritis, otitis, media, paralysis, pneumonia, poliomelitis (infantile paralysis), prostate gland disorders, pyelitis, alcoholism, erosion, periodontal diseases, epilepsy, goiter, scarlet fever, sexual impotence, sinus infections, smallpox, encephalitis, tumors, typhoid, uremia, venereal disease, whooping cough, tuberculosis, ulcers of the stomach, and varicose ulcers.

Section 26281, California Health and Safety Code:

Adulterated or misbranded drugs, Imported drugs. Any person who imports or receives from any other state or territory or the District of Columbia or from any foreign country or who having so received delivers for pay or otherwise or offers to deliver to any other person, any drug or device which is adulterated or misbranded, or which is falsely advertised in the State of California, or any person who manufactures, produces, prepares, compounds, packs, sells, offers for sale, or keeps for sale, in the State of California any such adulterated, misbranded, or falsely advertised drug or device shall be guilty of a misdemeanor punishable as provided in Section 26295.

Section 26209, California Health and Safety Code:

Advertisement defined. The term "advertisement" means all representations including, but not limited to, statements upon containers, packages, cartons, in any manner or by any means, for the purpose of inducing,

or which are likely to induce, directly or indirectly, the purchase or sale of drugs or devices.

Section 26200, California Health and Safety Code:

Drug defined. "Drug" means (1) articles recognized in the official United States Pharmacopoeia, official Homopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clause (1), (2), or (3).